

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1, 17, and 21, claims 1-36 remain pending. In the Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter; claims 1-36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention; claims 1-2, 12-13, 16-22, 32-33, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohner (U.S. Patent No. 5,680,325, hereinafter "Rohner") in view of Rakoshitz et al. (U.S. Patent No. 6,578,077, hereinafter "Rakoshitz"); and claims 4-11, 14-15, 24-31, and 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohner in view of Rakoshitz and further in view of Datta et al. (U.S. Patent No. 6,209,033, hereinafter "Datta"). Applicants respectfully request reconsideration of the claims in view of the amendments above and the remarks below.

Examiner Interview

Applicants thank the Examiner for the courtesy of the Examiner interview conducted on October 6, 2005. During the interview, amendments to the claims and the cited references were discussed. Specifically, the cited references were discussed as not disclosing determining physical or logical elements that have spare capacity.

Objections to the Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the rejection states the specification failed to provide proper antecedent basis for "providing an answer and denying the request for service." Applicants respectfully traverse the objection. For example, the specification states that if spare capacity is available, a yes/no indicator will indicate "yes" if the total quantity of the spare video/data ports is greater than zero for any available network elements for the service area identifier. If there are not spare video/data ports, then a "no" will be indicated. *See specification*, par. 89. Further, the specification states that if a quantity of spare video/data ports being reported indicates spare capacity is not available, a yes/no indicator of "no" and a zero for a spare video/data port quantity may also be reported by a capacity checking engine. *See*

specification, pars. 90-91. Accordingly, the capacity checking engine provides an answer to the request. Thus, Applicants submit that the specification provides proper antecedent basis.

Section 112 Rejections

Claims 1-36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the rejection states that providing an answer to a customer service request is not described in the specification to enable one skilled in the art to define the boundaries on this terminology. For example, the rejection states that such terminology can include, for example, a person telling customers they cannot provide service, offering no well-established utility for the reasons set forth above. Claim 1, as amended, recites that a capacity checking engine is used to provide an answer. As described above, a person skilled in the art would appreciate how the capacity checking engine provides the answer.

Section 103 Rejections

Claims 1-16

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rohner in view of Rakoshitz. Claim 1 recites:

determining if the identified equipment has spare data and video capacity using real-time information for the identified equipment in the network element inventory to determine physical or logical network elements that are available to provide service;

if the equipment has spare data and video capacity, calculating spare video and data capacity for the equipment based on the physical or logical network elements that are available to provide service, wherein the spare video and data capacity is used to provide the service to the customer, if desired; and

providing an answer, using the capacity checking engine, for the request for spare capacity while being connected to the customer during the customer inquiry, the answer based on the spare video and data capacity calculation.

The rejection states that Rohner fails to teach a customer service request being handled in real time and providing an answer for the request while being connected to the

customer during the customer inquiry. However, the rejection states that Rakoshitz teaches real-time monitoring, reviewing, and managing of bandwidth for QOS purposes.

Rohner is directed towards network planning. Nowhere in Rohner is any real time determination of a spare video capacity disclosed or suggested. Rakoshitz teaches monitoring bandwidth for QOS purposes. *See Rohner*, col. 9, lines 49-62. Applicants submit that Rohner and Rakoshitz, either alone or in combination, do not disclose or suggest determining spare data and video capacity using real-time information for identifying equipment in the network element inventory to determine physical or logical network elements that are available to provide the service. Rakoshitz is directed towards monitoring bandwidth. Nowhere in Rakoshitz is spare video and data capacity calculated in real time for physical or logical elements that are available to provide service. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Claims 2-16 depend from claim 1 and thus derive patentability at least therefrom.

Applicants submit that claims 17 and 21 should be allowable for at least a similar rationale as discussed with respect to claim 1. Claims 18-20 depend from claim 17 and claims 22-36 depend from claim 21 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

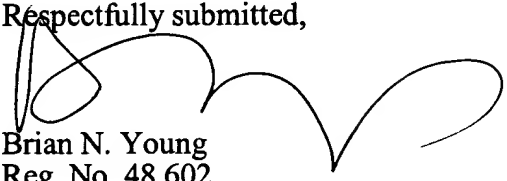
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Reply to Office Action of July 13, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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